



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)

FAX 410-313-3467

TDD 410-313-2323

April 7, 2008

**TECHNICAL STAFF REPORT**

*Petition Accepted on March 14, 2008*

*Planning Board Meeting of April 24, 2008 (Advisory Authority Rules)*

*Zoning Board Hearing to be scheduled*

**Case No./Petitioner:** ZB 1071M – Welsh Property, LLC

**Location:** First Election District  
West side of Ilchester Road approximately 900 feet north of Landing Road  
Tax Map 31, Grid 4, Parcels 122 & 856; 4738 Ilchester Road (the "Property").

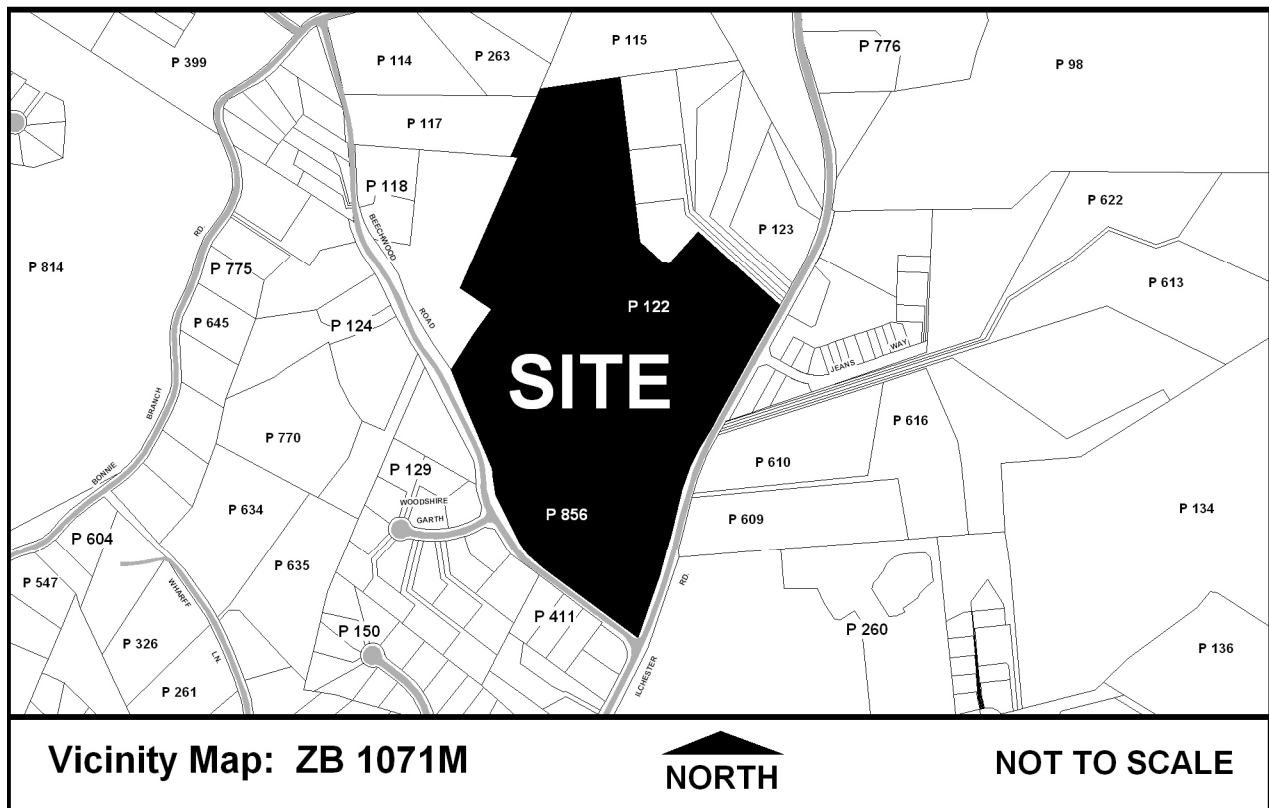
**Area of Site:** 41.81 acres (the "Property")

**Current Zoning of Site:** R-20 (Residential: Single)

**Proposed Zoning of Site:** R-ED (Residential: Environmental Development)

**Department of Planning and Zoning Recommendation:**

**APPROVAL**



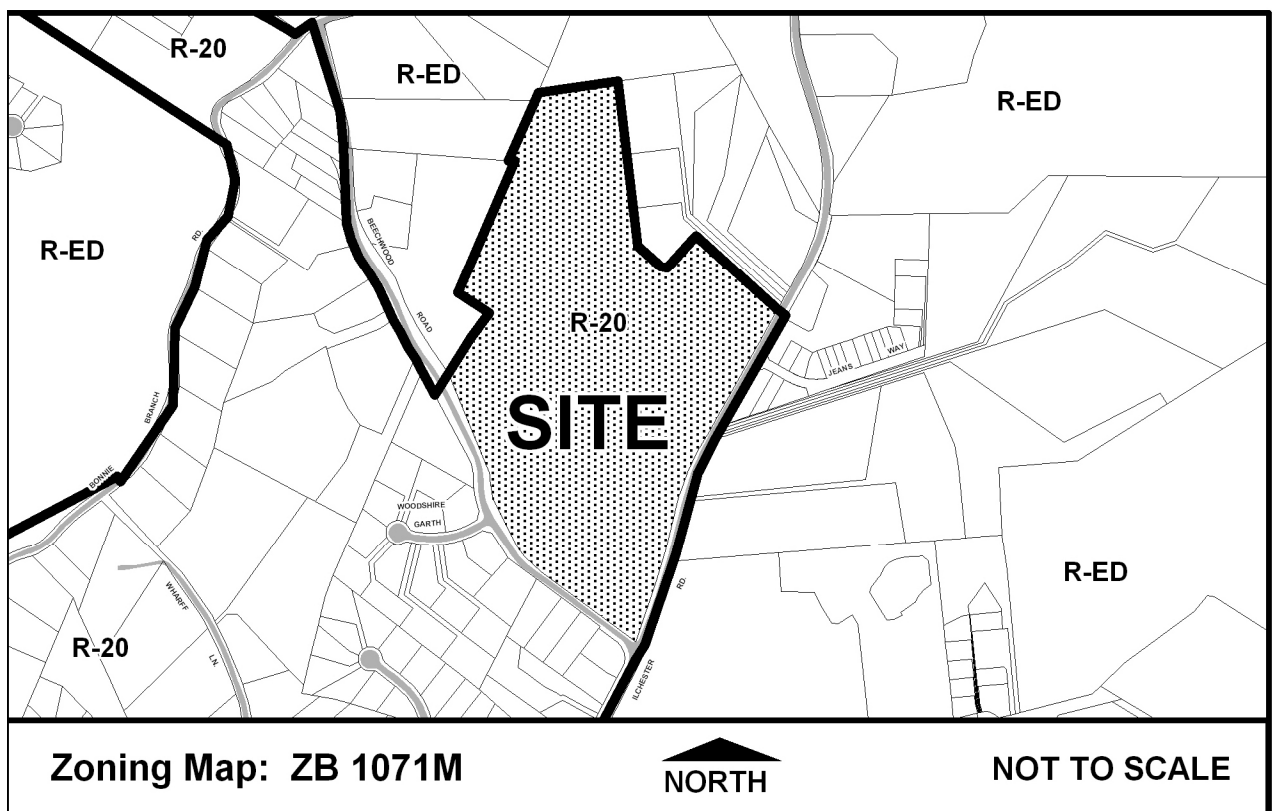
**I. DESCRIPTION OF PROPOSAL**

- **The Petitioner requests a Zoning Map Amendment to rezone the Property from the current R-20 (Residential: Single) District to the R-ED (Residential: Environmental Development) District. As justification for the request, the Petitioner alleges both mistake in the existing zoning and change in the character of the neighborhood.**

The Petitioner states that the 2004 Comprehensive Zoning Plan (“CZP”) rezoning to R-20 was requested at that time by the owner in conjunction with a developer’s specific proposal to develop the Property to maximize the yield of single-family detached lots. Following extensive engineering and approval of Sketch Plan 06-006 for development under R-20 zoning, it became evident that excessive disturbance to the site would result from the R-20 development scenario. The Petitioner asserts that the approved Sketch Plan is not the most environmentally sound plan for the site because it only meets the basic minimum requirement criteria for R-20 development in terms of avoidance of disturbance of steep slopes and providing 40 percent of the site in open space.

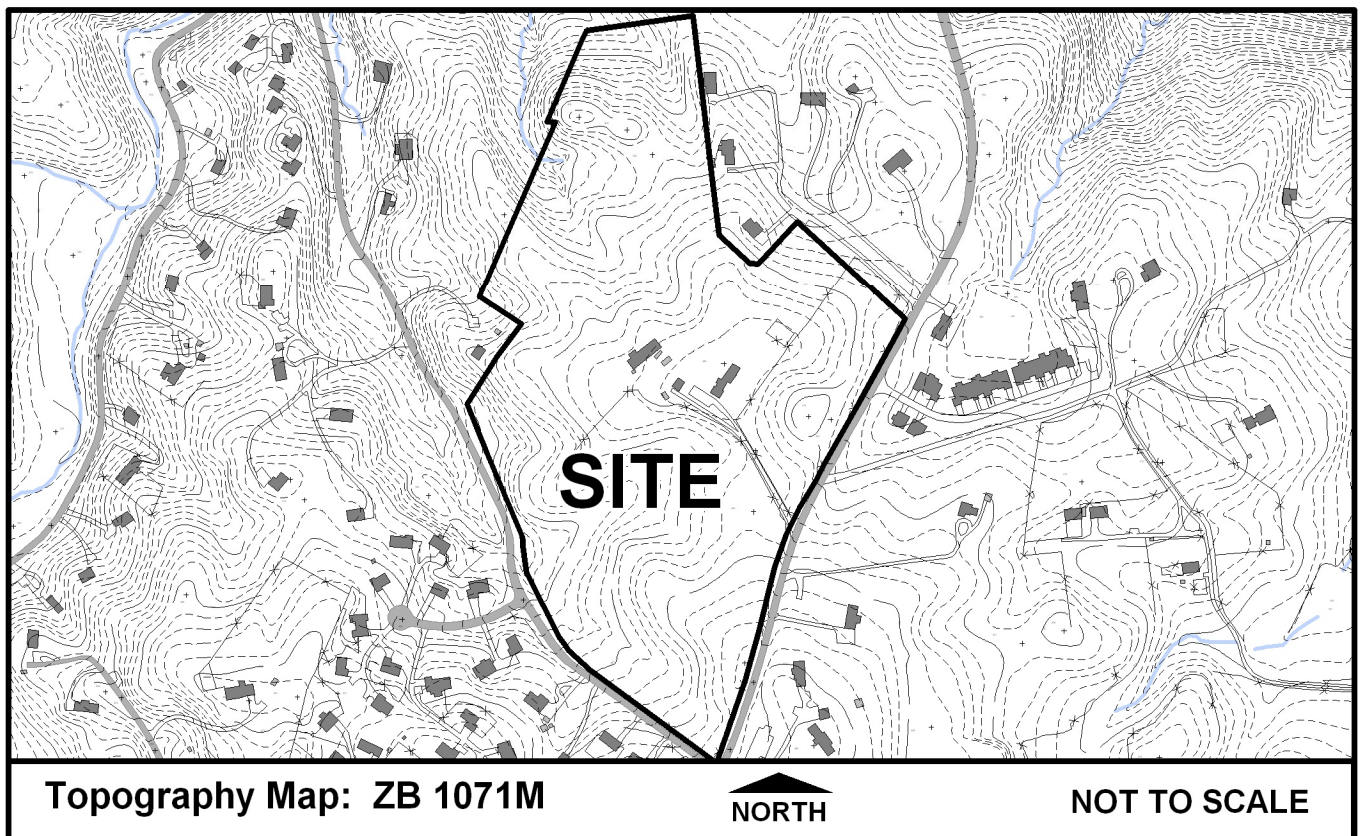
- **The Petitioner defines the neighborhood boundaries as being formed by the Patapsco Valley between Ellicott City and Elkrige bounded on the north by the Patapsco River and the south by MD 103 and Montgomery Road which roughly forms the ridge line of the Patapsco Valley. Within that neighborhood, the immediate area bounded by Beechwood Road, Ilchester Road and Bonnie Branch Road is all characterized by similar topography and soil conditions and general environmental characteristics.**

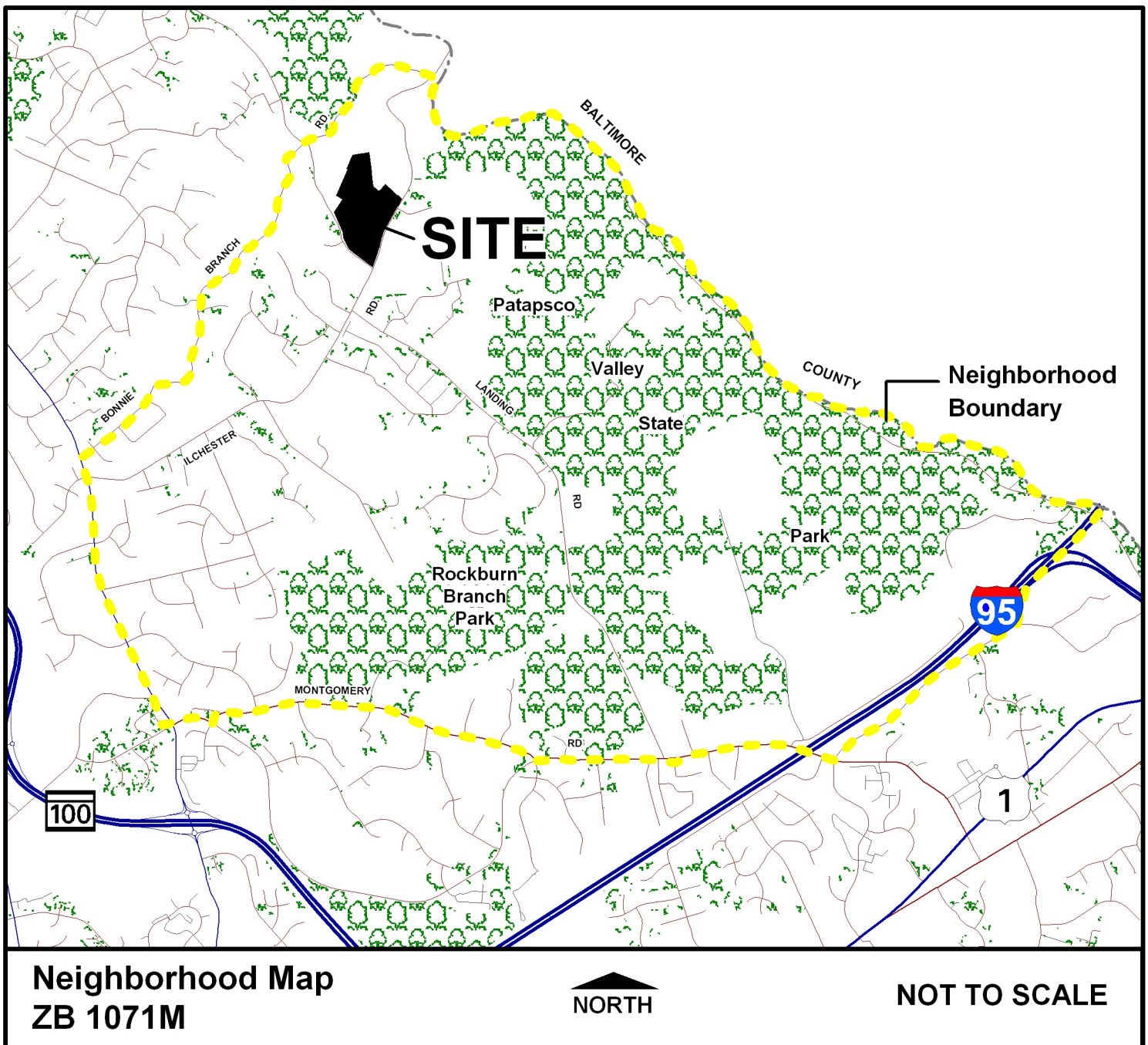
The Department of Planning and Zoning defines the neighborhood boundary as being bounded on the north by the Patapsco River, on the south by MD 103 and Montgomery Road, and by Bonnie Branch Road on the west (see Neighborhood Map on page 4 of this report).



- **The Petitioner states that development of the site under the R-ED provisions would result in the most environmentally sound plan which would be compatible with Howard County's recently adopted Green Neighborhood Development Standards ("GND"). There has been a change in the character of the neighborhood since the 2004 CZP in that much of the development in the valley that has occurred in the R-20 district has involved extensive grading in order to comply with road and lot shape standards. The Petitioner states that the R-ED district provides greater opportunity to maintain the character of the Patapsco valley neighborhood.**

R-ED zoning permits single-family detached units, zero lot line units and single-family attached units while R-20 zoning permits only single-family detached units. In comparing the development potential for single-family detached lots in the R-ED zone to the R-20 zone, R-ED zoning allows the smallest lot sizes with a requirement for the highest percentage of open space and a maximum density of two dwelling units per net acre, while R-20 zoning requires a larger lot size minimum with a lower open space requirement. The rezoning to R-ED would encourage a tighter clustering of lots and afford greater protection of environmental features.





- **While the GND Standards have been designed to be effective in any zoning district, it would be more difficult to maximize the full potential of the GND Standards in the R-20 zone because of larger lot sizes and lower open space requirements. The GND Standards strive to achieve more environmental protection than could customarily be achieved through the use of standard Zoning Regulations and Subdivision and Land Development Regulations.**

The rezoning of the Property to R-ED would afford a better opportunity than R-20 zoning for environmentally sound development of the site and facilitate the ability to comply with on-site forest conservation requirements and protection of steep slopes and stream buffers. Rezoning to R-ED in combination with the development of the site using the GND Standards would afford the best opportunity for maximizing the protection of environmental features. The R-ED zone also provides flexibility in the type of units which would be placed on the site. Another advantage of the R-ED district is that it provides an opportunity for public testimony through the requirement for Planning Board approval of a Preliminary Equivalent Sketch Plan or Site Development Plan. See Section B.2 of this report regarding site grading in relation to required road lengths as a function of lot widths.

## **II. ZONING HISTORY**

### **A. Subject Property and Adjacent Properties**

- **The Property was zoned R-20 by the 1977 Comprehensive Zoning Plan, as were properties to the north, south, east and west.**
- **The Property remained zoned R-20 by the 1985 Comprehensive Zoning Plan, as did properties to the north, south, east and west.**
- **The Property was zoned R-ED by the 1993 Comprehensive Zoning Plan.**

Parcels to the south across Beechwood Road between Ilchester and Bonnie Branch Roads remained zoned R-20. This R-20 zoning continued south along Ilchester Road to its intersection with MD 103.

Properties on the east side of Ilchester Road north of Landing Road were zoned R-ED. Properties on the north side of Beechwood Road west to Bonnie Branch Road were zoned R-ED. Properties along the northern portion of Bonnie Branch Road were zoned R-ED, and properties along the southern portion of Bonnie Branch Road (slightly south of Wharff Lane) remained zoned R-20.

- **The Property was rezoned from R-ED to R-20 with amendment no. 31.98 in the 2004 Comprehensive Zoning effective April 13, 2004.**

The owner requested that the Property be rezoned from R-ED to R-20. The Department of Planning and Zoning recommended that the R-ED zoning be retained. The County Council voted 4 to 1 to rezone the Property to R-20.



### III. BACKGROUND INFORMATION

#### A. Site Description

- The irregularly shaped Property comprises Parcels 122 and 856 totaling 41.81 acres (the MDAT record indicates Parcel 122 as 12.6 acres and Parcel 856 as 29.5 acres, a total of 42.1 acres). The Property is located on the west side of Ilchester Road approximately 900 feet north of Landing Road. It has approximately 1,520 feet of frontage on Ilchester Road and approximately 1,365 feet of frontage on Beechwood Road on its south/southwest side. Ilchester and Beechwood Roads are designated as scenic roads in the Howard County Scenic Road Inventory.

The submitted Welsh Property Zoning Petition Exhibit depicts areas of steep slopes along the Property's westerly boundary in the vicinity of Parcels 117 and 119; and along portions of Beechwood Road. There are also pockets of wetlands and an intermittent stream and associated buffers in these areas as well as woods. According to the Sketch Plan (S-06-006), 4.46 acres of the site is encumbered with steep slopes. According to Howard County Geographic Information System maps, the majority of the site is comprised of 15 to 25 percent slopes and is most level in the area of the existing development. In general, the topography of the site is gently rolling with a steep drop in grade along the rear of the site opposite Ilchester Road and along Beechwood Road.

#### B. Vicinal Properties

- **Parcels to the south across Beechwood Road are zoned R-20. Parcels to the north, east and west are zoned R-ED.**
- **Across Ilchester Road to the east is the R-ED zoned Parcel 260. This property is the site of the Our Lady of Perpetual Help Church and School. To the north of Parcel 260 is the R-ED zoned Parcel 419, developed with the Ilchester Woods subdivision (SDP 04-086) comprised of 12 single-family attached dwelling units and several single-family detached dwelling units.**

#### C. Roads

- **Ilchester Road is a winding, two-lane road with a variable width right-of-way, which begins to descend in grade in the vicinity of the Site and descends steeply north of the Site toward the Patapsco Valley State Park. Beechwood Road is a winding, hilly, two-lane road with a variable width right-of-way.**
- **In the absence of a site plan, there can be no determination of estimated sight distance at this time. Precise sight distance measurements may only be determined through a detailed sight distance analysis, and any required traffic and sight distance studies will be undertaken at the site development plan stage.**
- **According to data from the Department of Public Works, the traffic volume on Ilchester Road north of Landing Road was 2,555 ADT (average daily trips) as of March, 2000. The traffic volume on Beechwood Road south of Bonnie Branch Road was 678 ADT (average daily trips) as of May, 2000.**

**D. Water and Sewer Service**

- **The subject Property is within the Metropolitan District and is within the Comprehensive Service Area of the Howard County Water and Sewerage Master Plan.**

**The Property is currently served by public water and sewer facilities.**

**E. General Plan**

- **The Property is designated Residential on the Policies Map 2000-2020 of the 2000 General Plan.**
- **Ilchester and Beechwood Roads are depicted as Minor Collectors on the Transportation Map 2000-2020 of the 2000 General Plan.**

**F. Agency Comments**

The following agencies had no objections to the proposal:

1. Department of Inspections, Licenses and Permits
2. Department of Recreation and Parks

**G. Adequate Public Facilities Ordinance**

- **The petition would be subject to the Adequate Public Facilities Ordinance for the required site development plan.**

**IV. EVALUATIONS AND CONCLUSIONS**

**A. Relation to the General Plan**

- **The Petitioner states that the proposed R-ED zoning will facilitate development in harmony with many objectives of the General Plan. Chapter 5, Community Conservation and Enhancement, notes that to create better community settings, the design of neighborhoods must go beyond meeting market demand for certain types of housing and the minimum requirements of the Zoning and the Subdivision and Land Development Regulations. One way to improve neighborhood design is to preserve the original, often subtle, sense of place a development site may have that is attributable to the existing landscape and environmental resources.**

This parcel is one of the largest parcels with development potential along the Patapsco River valley and offers one of the best opportunities to provide a sense of place, which is derived from the unique character of the landscape because of its location along the river valley. R-ED zoning would allow the maximum opportunity to buffer surrounding communities and environmental features through the use of tight clustering of small lots and the provision of the highest percentage of open space required. The General Plan discusses a balance of flexibility and added controls in order to promote sensitive development of infill sites. One way to achieve these controls is through the public hearing process required by R-ED zoning.

- **Chapter 6, Working With Nature discusses designing landscapes and engineering that works with nature to minimize the loss of resources, to reduce the off-site impacts of development such as removal of existing vegetation and changes in existing topography. While this Chapter recommends alternatives for zoning districts other than R-ED, its recommendations are appropriate for R-ED including the clustering of smaller, tightly clustered lots to limit site disturbance and maximize open space for natural resource protection. This Chapter also recommends that an environmental guidelines handbook to provide guidance on resource protection also be prepared. This is consistent with the County's GND Guidelines which have recently been adopted. A more detailed GND Manual is currently being developed to provide more specific guidance.**

The petition is generally harmonious with these sections of the General Plan which encourage development patterns which afford the most protection of environmental features of a site while allowing for flexibility in design with appropriate controls.

**B. Mistake in the Existing Zoning/Change in the Character of the Neighborhood**

1. **The Petitioner states that the current R-20 zoning designation is a mistake because the actual impact of development on the site was not considered during the 2004 CZP, and no detailed information was presented at that time to show whether an environmentally sound development would result from the rezoning.**

Little documentation was presented at the time of the rezoning request. The request was based on an extract from a "topographic composite map" which did not illustrate any detailed features of the Property, and an assertion that the site was better suited to development with larger lots under R-20.

2. **The Petitioner states that the present R-20 zoning classification is inappropriate for the site with its environmental resources and the site would be subject to greater disturbance to steep slopes if it retains the R-20 classification for development purposes.**

The Petitioner has submitted Sketch Plan 06-006 as illustrative of the development that is likely to result under R-20 zoning which has potential for optional lot sizes based on varying square footage amounts of open space provided. The development scenario depicted in the Sketch Plan utilizes the optional 12,000 square foot lot size minimum with 40 percent open space. In comparison, R-ED zoning requires a 50 percent open space minimum (with no option for open space reduction) with a 6,000 square foot lot size minimum for single-family detached dwellings.

Although the Petitioner has not submitted a plan illustrating potential development and environmental impacts of development with R-ED zoning, the environmental features of the Property would be afforded a better opportunity for protection under R-ED zoning due to the provision of a greater percentage of open space and permitted smaller lot sizes which would allow the tighter clustering of lots in the less environmentally sensitive areas of the site and the developed portions to be concentrated in the less steeply sloped portions of the site.



Road grade limitations may also require extensive alteration of existing topography. Because of minimum lot widths required by the Zoning Regulations, roads may have to be longer to accommodate the number of units needed to make the project economically feasible. R-ED zoning allows for the provision of smaller lots with a 50 foot required lot width at the building restriction line for single-family detached units while R-20 zoning requires a 60 foot lot width at the building restriction line for single-family detached units. R-ED zoning also permits attached units which would have narrower lot widths and require shorter roads. If the provisions of the R-ED district are combined with the Standards, the maximum potential for environmental protection would be achieved.

3. **The Petitioner asserts that, in retrospect, the Council's adoption in 2007 of legislation providing for GND Standards constitutes a factor of change in the character of the neighborhood. Over time, the premises upon which the County Council relied when it rezoned the Property to R-20 have been proven to be incorrect, and that the environmentally sound development scenario for the Property would be best achieved by use of the clustering concept found in R-ED zoning.**

Section 107 states, "The R-ED District is established to accommodate residential development at a density of two dwelling units per net acre in areas with a high percentage of sensitive environmental and/or historic resources. Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance and directing development to the most appropriate areas of a site, away from sensitive resources".

4. **There is no justification for rezoning the Property to R-ED on the basis of change in the character of the neighborhood.**

A change in the regulations such as the adoption of GND Standards does not constitute a change in the character of the neighborhood.

5. **There are convincing reasons that justify a rezoning of the Property to R-ED on the basis of mistake.**

As noted above, the site contains environmental features compatible with the objectives of R-ED zoning. The rolling topography of the site with pockets of steep slopes and portions of a stream in the wooded portion of the Site, and its location along the environmentally rich Patapsco River valley calls for a development scenario which can best be achieved under R-ED zoning with regulations and requirements that better clusters development and directs the developed portions of the site to locations away from these environmental features.

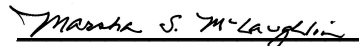
Prior to its 2004 rezoning, the Property, located on the north side of Beechwood Road, had been zoned R-ED since 1993. Other properties on the north side of Beechwood Road were also zoned R-ED in 1993 and remain zoned R-ED. Beechwood Road had been the division between the R-ED and R-20 zones from 1993 until 2004 when the Property was rezoned and it became the only R-20 zoned property on the north side of Beechwood Road. These other R-ED zoned properties have environmental features which are similar to those of the subject Property. The rezoning of the Property to return it to its former R-ED zoning would constitute a logical extension of the R-ED zone.

A documented site plan which would clearly illustrate how the Site would utilize and maximize the objectives of the GND program was not submitted with the proposal. However, since the GND program is a voluntary one and the Site is not required to be developed under this program, the argument for rezoning to R-ED should not rely only on the utilization of the GND program, and indeed the Petitioner has mentioned the GND program only as a supporting basis for rezoning. A compelling reason for a finding of mistake is found in the General Plan, Chapter 6, Box 6-2 which states, "The Residential-Environmental District zoning district was adopted in 1982 as a substitute for conventional half-acre minimum lot zoning in the environmentally sensitive areas surrounding Ellicott City. Developers in the R-ED zone are permitted only two units per net acre and are allowed to cluster units on smaller lots to keep development impacts such as clearing and grading away from sensitive steep slopes and stream valleys. In 1993, this district was also placed along the main stem of the Patapsco River between Ellicott City and Elkridge, south of the Middle Patuxent River near I-95, and on a few smaller infill parcels located elsewhere in the East to protect environmentally sensitive and historic features". This General Plan reference describes and is applicable directly to the Site which was accordingly correctly zoned R-ED in the 1993 Comprehensive Zoning.

#### IV. RECOMMENDATION

#### APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that the requested Zoning Map Amendment to rezone the Property from R-20 to R-ED be **APPROVED**.

 04/08/08  
Marsha McLaughlin, Director Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

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